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#5

March 2, 2001

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In re application of:

Otto et al

**DECISION ON PETITION**

Serial No.: 09/292,041

Filed: April 15, 1999

For: WALKING BEAM ROLLER APPARATUS

This is a decision on the petition filed May 30, 2000, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Application mailed April 23, 1999. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned on June 24, 1999. A notice of abandonment was mailed on March 16, 2000.

The evidence submitted is sufficient to establish that the petitioners did response to the Notice to File Missing Parts of Application mailed on June 21, 1999.

Having found that all requirements for the filing of a grantable petition under 37 CFR 1.137(b) have been met, this Petition is hereby GRANTED.

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Counsel must send in a copy of the response submitted on June 21, 1999 and select a method of payment to complete the above application. If counsel's submitted a check with the response of June 21, 1999 check to see if it was cashed by office. If the check was cashed submit copies of the canceled check with the response.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

A handwritten signature in cursive script, appearing to read "Doshie E. Day".

Doshie E. Day  
Program Management Assistant  
Office Initial Patent Examination